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Claim 1 was also rejected under 35 USC 102 as being anticipated by Chen, US Patent 6,351,730. Applicant respectfully traverses.

The Examiner points generally to section C4 of the reference and particularly to col. 18, lines 60-67, and to col. 19, lines 50-59. Armed with these citations the Examiner asserts that the Chen reference teaches the limitation of claim 1, which states:

> wherein the number of pitch periods of the previously formed portion used in such synthesis is greater for speech of a fundamental frequency above a threshold than for speech of a fundamental frequency below the threshold,

because "it is necessarily true that for a fixed interval (here 4 ms) the greater the fundamental frequency the greater the number of pitch periods contained in the interval."

Applicant respectfully disagrees.

In col. 18, lines 59 et seq. the reference states that

> Processor 160 performs analysis on the previously decided output signal stored in the AFLC buffer to find an optimal time lag which is used to copy a segment of previously decoded signal to be the current frame. For convenience of discussion, this time lag is referred to as the "pitch period," even if the waveform is not nearly periodic.

All that this passage says is that processor 160 identifies the interval going back from the point where a missing data creates a gap that corresponds to one pitch period. In col. 19, lines 6-7 the reference teaches that once the pitch period is identified, the approach is to "periodically repeat the previous waveform at that pitch period to fill in the current frame of waveform." In subsequent passages the reference teaches one preferred approach for selecting the pitch period waveform, but in the final analysis, as described in col. 21, lines 19-20 "one can keep extrapolating the final pitch period." In other words, it appears that the reference teaches obtaining, or selecting, an appropriate pitch period waveform that waveform is inserted into the gap formed by missing packets, and the inserting is repeated a number of times as required. The key point is that a single pitch period waveform is obtained from previously encoded data.

In contradistinction to the single pitch period that is used in the reference, claim 1 specifies the use of a number of pitch periods of the previously formed.

Additionally, the claim specifies that the number of pitch periods of the previously formed portion is greater for speech of a fundamental frequency above a threshold than for speech of a fundamental frequency below the threshold. The

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Examiner's assertion that it is necessarily true that for a fixed interval the greater the fundamental frequency the greater the number of pitch periods contained in the interval is valid, but wholly irrelevant. The claim is NOT addressing the number of pitch periods that are (inherently) stuffed, so to speak, into an 8ms missing frame , (ignoring for now the feathering out of the last known information), but rather, the claim is addressing the amount of information, going back in time, that is used to derive the information that is needed to placed in the 8ms missing frame. Since the reference only employs the information of a single pitch period, it is not surprising that the whole issue of how many pitch periods to use does not even come up and, therefore, there is no teaching or suggestion in the reference for employing a threshold, and choosing one number of pitch periods when the pitch period is above that threshold and another number of pitch periods when the pitch period is below that threshold. In short, it is applicant's view that the above presents two reasons for independently holding that claim 1 is neither anticipated by nor rendered obvious by the Chen reference.

In view of the above remarks, it is respectfully submitted that all of the Examiner's rejections have been traversed and, therefore, reconsideration and allowance are respectfully solicited.

Respectfully,
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Dated: ___12/8/04___

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